

## **Instructions for Financial Affidavit**

### **Minn. Stat. § 518A.28**

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

#### **Purpose of the Financial Affidavit**

In all cases where the court will decide or modify child support, the parents must serve and file a Financial Affidavit to disclose all sources of income for determining child support for the joint child or children of the parents.

A joint child means the dependent child of both parents in the child support proceeding. Information listed in the Financial Affidavit will provide the court with information needed to calculate child support.

#### **Serving and Filing the Financial Affidavit**

The Financial Affidavit must be served on the other party, and the public authority if the public authority is providing child support enforcement services, and filed with the court when initial pleadings or motions are submitted by a party. You must include proof of your income, such as pay stubs and income tax returns.

#### **Keeping your financial information confidential**

Any financial documents you file with the court will be part of your court file and available to anyone who may look at the file. The court rules require you to use Form 11.2, Confidential Financial Source Documents form, as a cover sheet to protect your financial documents from being available to the public. If you file Form 11.2 with your financial documents, court staff will keep your financial documents confidential from the public. The other party and the judge will still have access to your financial information. Form 11.2 is available at [www.mncourts.gov](http://www.mncourts.gov) under the form category of “confidential information” (form number CON112) or can be picked up at court administration.

NOTE: If you fail to use the Form 11.2 cover sheet to protect confidential information in your financial documents, the court may order you to pay additional court costs and other sanctions as a penalty for failing to follow the court rules.

#### **Complete the Financial Affidavit Form**

**Item #1:** Fill in the number of joint children who are the subject of this court action.

**Item #2:** Fill in all amounts of your monthly income. Use income amounts before any deductions. Income includes any form of periodic (regular) payment, including but not limited to the following:

- Salary and Wages – include gross income from all jobs. Weekly income should be multiplied by 4.33.
- Self-employment – include income from self-employment or operation of a business
- Unemployment Benefits

- Commissions – if received less often than monthly, average the amounts
- Spousal Maintenance – include payments you receive under a previous order or the current proceeding
- Military or Naval Retirement
- Social Security – includes social security disability, retirement, and survivors’ benefits. Do not include supplemental security income (SSI)
- Child’s Derivative Social Security or Veterans Benefits – if a joint child receives Social Security or Veterans’ Benefits based on your eligibility, include the amount of the child’s monthly benefit on the Financial Affidavit, even if the benefit is paid to the other parent.
- Workers’ Compensation
- Pension Payments, Annuity Payments, and Disability Payments. Do not include supplemental security income (SSI).

### **Complete Items #3 through #9**

- Nonjoint Children – a child who 1) lives in your home more than half of the time, 2) you are the legal parent of, AND 3) you DO NOT have a court ordered child support obligation for the child. DO NOT include stepchildren.
- Spousal Maintenance – enter any court ordered amount that you pay to the other parent or a former spouse.
- Child Support – enter all court ordered amounts that you pay for nonjoint children not living with you. These amounts include basic support, child care support, and medical support. DO NOT include any monthly amounts you pay for arrearages.
- Health care coverage – this is medical and dental insurance coverage you have either in place or available for the joint child.
- Child care – enter the actual monthly child care costs paid for the joint child
- Parenting time – check “yes” if there is a court order awarding a parent with parenting time

**Date and sign the Financial Affidavit under penalty of perjury.** By signing the Affidavit under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth.

### **If the Financial Affidavit for Child Support is not served and filed**

- The court will determine a parent’s income based on credible evidence, which may include documentation of current or recent income, testimony of the other parent concerning recent earnings and income levels, or wage reports filed with the Department of Employment and Economic Development. The court may determine potential income for a parent if a parent is voluntarily unemployed or underemployed, employed less than a full-time, or when there is no evidence of any income.
- If the court decides that a parent did not have access to documents to complete the financial affidavit, the court may consider testimony by that parent as credible evidence of income.